

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 STEVEN NELSON MURRAY,

4 Petitioner,

5 v.

6 JERRY HOWELL, *et al.*,

7 Respondents.

Case No. 2:12-cv-02212-RFB-VCF

ORDER

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11 In this habeas corpus action, counseled Petitioner Steven Nelson Murray filed a  
12 Motion for an Evidentiary Hearing on May 4, 2020. (ECF No. 85). Respondents were due  
13 to respond on May 18, 2020, but moved to extend the deadline by thirty days to June 17,  
14 2020. (ECF No. 86). The Court granted the motion. (ECF No. 87). On June 17, 2020,  
15 Respondents filed another Motion for Extension of Time, requesting an additional thirty-  
16 day extension to July 17, 2020. (ECF No. 89). Respondents' counsel states that the  
17 extension is necessary because she is relatively new to the case and has obligations in  
18 other cases. Murray does not oppose the motion. The Court finds that Respondents'  
19 Motion for Extension of Time is made in good faith and not solely for the purpose of delay,  
20 and that there is good cause for an extension. However, given the nature of this motion—a  
21 relatively uncomplicated eight-page motion—the Court determines an additional thirty-  
22 day extension is excessive. The Court will therefore grant Respondents' Motion for  
23 Extension of Time in part, extending the deadline for the response to the Motion for  
24 Evidentiary Hearing by twenty days to July 7, 2020. Petitioner will have seven days to  
25 reply, as provided in Local Rule 7-2(b). The Court will not extend these deadlines further  
26 absent extraordinary circumstances.

27 Petitioner has also filed a Motion for Leave to File Supplemental Authorities in  
28 support of his reply to Respondent's Answer to the Amended Petition. (ECF No. 88). The

1 proposed notice of supplemental authorities is attached to the motion. (ECF No. 88-1).  
2 On June 17, 2020, Respondents filed a Notice of Non-Opposition. (ECF No. 90). The  
3 Court determines that there is good cause to file the notice of supplemental authorities  
4 and will therefore grant the motion seeking leave to file that notice.

5 As a final matter, the Court is informed that Murray is incarcerated at Nevada's  
6 Three Lakes Conservation Camp, where Jerry Howell is warden. Therefore, pursuant to  
7 Federal Rule of Civil Procedure 25(d), Jerry Howell will be substituted for Brian E.  
8 Williams, Sr. as the Respondent Warden on the docket for this case.

9 **IT IS THEREFORE ORDERED** that Respondents' Motion for Enlargement of Time  
10 (ECF No. 89) is **GRANTED IN PART** and **DENIED IN PART**. Respondents will have up  
11 to and including **July 7, 2020**, to file their response to the Motion for Evidentiary Hearing.  
12 Petitioner will then have seven (7) days to file a reply. The Court will not extend these  
13 deadlines absent extraordinary circumstances.

14 **IT IS FURTHER ORDERED** that Petitioner's Motion for Leave to File Notice of  
15 Supplemental Authorities (ECF No. 88) is **GRANTED**. The Clerk of the Court is directed  
16 to separately file the Notice of Supplemental Authorities (ECF No. 88-1).

17 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure  
18 25(d), the Clerk of the Court is directed to substitute Jerry Howell for Brian E. Williams,  
19 Sr. as the Respondent Warden on the docket for this case.

21 DATED THIS 18<sup>th</sup> day of June, 2020.

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RICHARD E. BOULWARE, II,  
25 UNITED STATES DISTRICT JUDGE  
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